

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANDRA GUADALUPE,

Plaintiff,

-v-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

21 Civ. 278 (PAE) (JW)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

On January 12, 2021, plaintiff Sandra Guadalupe brought this case under 42 U.S.C. § 405(g), requesting judicial review of a final decision by the Commissioner of Social Security (“Commissioner”) denying Guadalupe’s claim for disability insurance benefits under the Social Security Act prior to February 19, 2020. Dkt. 1. On January 13, 2021, this Court referred this case to the Hon. Kevin Nathaniel Fox, United States Magistrate Judge, for the purpose of supervising the case and resolving any dispositive motions. Dkt. 6. On November 5, 2021, Guadalupe filed a motion for judgment on the pleadings and a memorandum of law in support. Dkts. 15, 16. On January 4, 2022, the Commissioner filed a cross-motion for judgment on the pleadings and a memorandum of law in support. Dkts. 17, 18. On January 25, 2022, the motions became fully briefed. Dkt. 19. On February 1, 2022, this case was reassigned to the Jennifer E. Willis, United States Magistrate Judge.

Before the Court now is the August 9, 2022 Report and Recommendation of Judge Willis, recommending that the case be remanded for further proceedings. Dkt. 20 (“Report”). The Court incorporates by reference the summary of the facts provided in the Report. For the following reasons, the Court adopts the Report’s recommendation.

DISCUSSION


In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “To accept those portions of the report to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Ruiz v. Citibank, N.A.*, No. 10 Civ. 5950 (KPF), 2014 WL 4635575, at *2 (S.D.N.Y. Aug. 19, 2014) (quoting *King v. Greiner*, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009)); *see also, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

As no party has submitted objections to the Report, review for clear error is appropriate. Careful review of Judge Willis’s thorough and well-reasoned Report reveals no facial error in its conclusions; the Report is therefore adopted in its entirety. Because the Report explicitly states that “the parties shall have fourteen (14) days from receipt of this Report to file written objections” and that “failure to object within fourteen (14) days will result in a waiver of objections and will preclude appellate review.” Report at 27. *See Caidor v. Onondaga Cnty.*, 517 F.3d 601, 604 (2d Cir. 2008) (citing *Small v. Sec’y of Health & Hum. Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam)).

CONCLUSION

For the foregoing reasons, the Court remands this case for further proceedings. The Clerk of Court is respectfully directed to close all pending motions and to close this case.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: August 29, 2022
New York, New York